

App. No. 10/089,409  
Office Action Dated September 13, 2005

### REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1-6, 11-14 and 18-20 are hereby amended. Claims 21-26 are new.

Claims 1-6 are amended editorially. Amendment of claim 11 is supported by subject matter of claim 1. Claims 12-14 are rewritten in independent form, including the subject matter of claim 1. The amendments of claims 13 and 19, reciting "the magnetic head is separated from the read-only optical disk when performing reproduction with respect to the read-only optical disk", are supported by the subject matter of claim 14. Claims 18-20 are rewritten in independent form, including the subject matter of claim 3. New claims 21-23 are supported by the subject matter of claim 2. New claims 24-26 are supported by the subject matter of claim 4.

The IDS filed June 10, 2005 is objected to for failing to include a copy of EP 0 863 503. According to the Applicants' records it was submitted, however an additional copy is provided herewith.

Claims 12-14 and 18-20 were objected to as having improper multiple dependent form. The claims are amended to address the concerns of the Examiner. Favorable reconsideration of claims 12-14 and 18-20 and examination of new claims 21-26 are requested.

Claims 1, 3, and 5 were rejected as being unpatentable over Nagataki (US 5,527,479). Applicants traverse this rejection. The Examiner contends that the optical recording medium taught by Nagataki has the same structures and therefore performs the same functions as those of the optical disks of claims 1 and 3 of the current invention. However, the invention of claims 1 and 3 relates to an optical disk (**read-only** in claim 1 and **partially recorded** in claim 3) that allows information to be recorded and/or reproduced using an optical means and an optical disk device that can record information on and/or reproduce recorded information from the optical disk. Nagataki does not disclose or suggest an optical disk that is either read-only or partially recorded, as required by claims 1 and 3, respectively. Rather, Nagataki teaches a **recordable**

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magneto-optical disk. Therefore, one skilled in the art would not look to Nagataki to teach the invention of claims 1 and 3.

The protective layer required by claims 1 and 3 is used in a different environment than that of the lubricating layer (7) and covering layer (6) provided on the recording medium disclosed by Nagataki. The cited reference is concerned with solving problems associated with low-speed recording operations on the disclosed recording medium. One skilled in the art would appreciate that the optical disks of claims 1 and 3 are used in a reproduction environment and would be exposed to high-speed seeking operations. The protective layer required by claims 1 and 3 allows a magnetic head to slide even during reproduction. As different factors are needed to be considered even between a read-only optical disk and a partially recorded disk (see page 7, lines 1-12), even more so would an unrecorded disk, such as that taught by Nagataki, need to focus on solving different issues. Therefore, the (blank) recording medium taught by Nagataki does not suggest the read-only or partially recorded optical disk provided with a protective layer of claims 1, 3, and 5.

Favorable reconsideration of claims 1, 3, and 5 is requested.

Claims 2, 4, 6-11 were rejected as being unpatentable over Nagataki in view of Kamezaki (US 5,904,969). Applicants traverse this rejection. Claim 7 was canceled in the previously filed Amendment. The rejection relies on Kamezaki to teach the printing layer required by claims 2, 4, and 11. However, Kamezaki does not disclose or suggest a printed layer (8) is provided either between a pit information surface and a protective layer, as required by claim 2; or between a magneto-optical recording surface region and a protective layer, as required by claims 4 and 11. Rather Kamezaki teaches a printed layer (8) being provided on an outermost surface of an optical data recording medium (see Figure 5).

Regardless, Kamezaki does not remedy the deficiencies of Nagataki, previously noted. The combination of the cited references does not suggest a read-only, partially recorded, or a magnetic field modulation type magneto optical disk used in a reproduction environment, as required by claims 2, 4, and 11, respectively.

Favorable reconsideration of claims 2, 4, 6, and 8-11 is requested.

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In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612)455-3804.

Respectfully Submitted,



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